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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-first session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 37th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 19 November 1999, at 3 p.m.

Chairperson: Mrs. BONOAN-DANDAN

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* The summary record of the second part (closed) of the meeting appears as document E/C.12/1999/SR.37/Add.1.

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The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS

(a) REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Non-reporting States: Solomon Islands (Concluding observations of the Committee on Economic, Social and Cultural Rights, E/C.12/1/Add.33)

1. The CHAIRPERSON invited Mr. Riedel to summarize the situation regarding Solomon Islands.

2. Mr. RIEDEL welcomed the presence of a representative of the State party and of representatives of a number of non-governmental organizations and United Nations bodies and specialized agencies. In the absence of a report from Solomon Islands, the Committee had, in April 1999, considered the situation in the country and, in May 1999, adopted concluding observations. Eighteen years had elapsed since Solomon Islands had signed and ratified the International Covenant on Economic, Social and Cultural Rights, but the country had never submitted a report on the application of the instrument. The Committee had therefore based its deliberations on documents and information supplied by governmental and non-governmental organizations and specialized agencies. Since those sources were generally quite critical, it was not in a State party's interest not to submit reports to the Committee.

3. In its concluding observations, the Committee had noted that Solomon Islands had, in the 1990s, experienced severe economic and financial crises deeply affecting the scope for governmental action. It had also noted that Solomon Islands was one of the least developed countries in the Western Pacific region, with widespread poverty, especially in rural areas. It had also taken into account the severely detrimental effects of the Asian financial crisis on the economy of Solomon Islands, which was largely based on the export of timber, copra, palm oil and cocoa. The major share of the country's natural resources was exploited by foreign companies, leaving few benefits to Solomon Islands. Moreover, the country was hindered from respecting its commitments under the Covenant by the obligations placed on it by creditor States and international financial institutions.

4. The Committee had also highlighted positive aspects, especially the new Government's laudable efforts to establish the foundations of sustainable economic growth, the constitutional recognition of workers' rights to form trade unions, the high percentage of the national budget allocated to health and the progress made in combating such diseases such as diarrhoea, respiratory infections and malaria.

5. On the other hand, the Committee had expressed concern that women were still not treated equally with men and, in particular, that they remained subject to the patriarchal system. It had also expressed concern about the rise in unemployment and its contribution to civil strife, as well as about the recent downsizing of the public sector and its significant social repercussions. It had, further, noted that domestic violence was prevalent and was not always properly addressed by the competent authorities.

6 He suggested that the Committee should examine how the secretariat and specialized agencies could help Solomon Islands to discharge its obligations under the Covenant

7 Mr HUNT observed that, in response to a request made by the Committee to specialized agencies in its concluding observations in May 1999, the Committee had received additional information concerning the status and enjoyment of economic, social and cultural rights in Solomon Islands from a number of specialized agencies and international financial institutions, several of which had sent representatives to the meeting to talk with the State party's representative and the members of the Committee. Moreover, the World Bank and the International Trade Centre UNCTAD/WTO had recently sent the Committee important background information on Solomon Islands.

8 As Solomon Islands was one of the few Southern Pacific island States to have signed and ratified the Covenant, he welcomed the fact that the United Nations family was united in attempting to resolve the country's problems, including those regarding the submission of periodic reports.

9 The CHAIRPERSON welcomed Mr. Franco Pororara, planner and analyst in the Planning and Development Department of Solomon Islands, whose travel to and stay in Geneva had been financed by the New Zealand Government. She remarked that the purpose of the meeting was to consider the additional information at the Committee's disposal and to find ways of helping Solomon Islands meet its obligations under the Covenant, specifically that of submitting regular reports to the Committee.

10 Mr. PORORARA (Solomon Islands) explained that his country's problems had prevented it from submitting periodic reports under articles 16 and 17 of the Covenant. Solomon Islands was a member of a large number of regional and international organizations and had ratified international agreements without fully appreciating the burden of the obligations deriving from them. No later than the previous month, the United Kingdom Government had sent an expert to help his country's Government understand its duties under those agreements.

11 No law prevented the application of the provisions of the Covenant in Solomon Islands, the problems being experienced were more attributable to a shortage of financial and human resources. The lack of qualified staff was particularly apparent in the spheres of education, social services and health. This caused serious problems for the country, which lacked the skills necessary to implement programmes recommended by United Nations specialized agencies. The Government had pledged that it would, as of the coming year, emphasize education, health services and disease prevention. Its willingness to take action was clear, but the problems were so substantial that it would take time to resolve them.

12 The Government of Solomon Islands was currently assessing, with the help of UNDP, the positive and negative effects of its reform programme. The negative effects of the first wave of dismissals of 500 civil servants were beginning to make themselves felt. The dismissed staff had had to return to their villages and placed their children in rural schools, which were often short of books and teachers. It was vitally important for the international community to ensure that future aid to Solomon Islands, whatever form it took, did not disrupt the country's social structure.

13. Mr. TAPLIN (International Monetary Fund) said that he was pleased to be participating in the review of the situation of Solomon Islands, although he could not undertake to take part in all the Committee's meetings to consider the situation in States parties to the Covenant.

14. The economy of the Solomon Islands archipelago was dominated by logging, commercial fishing, tree-crop-growing, public-sector employment and subsistence agriculture, which sustained over 70 per cent of the population. The population growth, of 3 per cent per year, was the highest in the region.

15. In the mid-1990s, the budgetary, wages and economic policy of the then Government, which had gambled everything on the - excessive - exploitation of forest resources, had plunged the country into a serious economic and financial crisis. In mid-1997, the Asian crisis had halted exports of forest products, making the situation still worse.

16. The Government which had come to power in September 1997 had made a start on remedying the situation by trying to restore fiscal balance through an increase in State revenue and a reduction of spending on the civil service. Progress had also been made on structural reform in the areas of forestry, Customs administration, public finance, the civil service and privatization.

17. Despite all those efforts, the real gross domestic product had fallen in 1998, mainly because of declines in logging and related activities. The drop in exports had, however, been more than offset by the shrinkage of imports, with the result that the current-account balance had been in surplus in 1998. The available information suggested that the country's economic and financial situation would continue to improve in 1999.

18. Ms. GJELTEN (United Nations Development Programme) said that UNDP was eager to cooperate with the Committee and would therefore ask its Fiji office to help Solomon Islands meet its obligations under the Covenant.

19. Mr. MASUKU (United Nations Food and Agriculture Organization) said that the right to adequate food was one of the fundamental human rights and that FAO strove to help developing countries to achieve food security. While Solomon Islands was, overall, capable of providing such security, a number of vulnerable population categories, particularly the unemployed and slum-dwellers, did not have adequate food. Employment promotion and greater investment in the agri-food sector were, therefore, necessities. FAO was willing to provide Solomon Islands with technical assistance in implementing an appropriate strategy.

20. Mr. MATHUR (World Trade Organization) said that Solomon Islands was among the least developed countries receiving help under the Integrated Framework for Trade-Related Assistance. Six institutions were participating in the project: IMF, the International Trade Centre, UNCTAD, UNDP, the World Bank and WTO. The aim of the Integrated Framework was to increase the benefits to least developed countries from trade-related assistance and to help such countries integrate in the multilateral trading system. Solomon Islands was estimated to

need help in the areas of application of WTO agreements, human and institutional capacity-building in the public and private sectors, market development, and information technology. The institutions he had named had devised an integrated response which was being implemented in cooperation with the Government of Solomon Islands.

21. Solomon Islands had undertaken a trade-policy review at WTO in September 1998. The economic challenges facing the country were considerable: an intolerable public debt burden, a limited number of export products, and reliance on a number of main export markets. The Integrated Framework sought to help Solomon Islands overcome those problems.

22. Mr. LECKIE (Centre on Housing Rights and Evictions - COHRE) remarked that COHRE had distributed to the Committee, at the latter's twentieth session, a report on a mission to Solomon Islands to see how the Covenant was implemented there. COHRE was deeply worried by the ethnic strife which had since occurred in Solomon Islands and had caused numerous deaths and the displacement of several thousand people. The Committee and the entire international community should give all due attention to that serious problem.

23. COHRE earnestly hoped that the Government of Solomon Islands would, as the Committee had suggested in its concluding observations, convene a national summit on the application of the Covenant in which all interested national and international entities, especially the central and local authorities, trade unions, local NGOs, specialized agencies and donor countries, would participate. The Government might request assistance for the purpose from the Office of the High Commissioner for Human Rights.

24. Ms. FARHA (Centre on Housing Rights and Evictions - COHRE) said that international aid accounted for more than half of the national budget of Solomon Islands. The donor countries, especially the United Kingdom, Australia, New Zealand and Japan, which were parties to the Covenant, should therefore, pursuant to General Comment No. 2, articles 2 and 22 of the Covenant and the guidelines for the preparation of reports, state when submitting their own reports to the Committee how far they were helping countries like Solomon Islands to give effect to the rights proclaimed in the Covenant.

25. Mr. FA'ASALA (Centre on Housing Rights and Evictions - COHRE) observed that, according to the information available to COHRE, the main objective of the structural reforms of the Government of Solomon Islands was to improve the accessibility of land for commercial and urban development while complying with the law on registration of land subject to customary tenure. The Government was further reported as wanting to remove a number of obstacles - including, in particular, customary land tenure - to expansion of the tourism industry. There was a risk that facilitating the private sector's and foreign investors' access to land subject to customary tenure might deprive the majority of the Islands' population of their main source of income and destroy the social structure, which was founded on kinship and land. To avoid that, the Government should, with the help of the Committee on Economic, Social and Cultural Rights and with due regard for the obligations deriving from the Covenant, revise its structural-reform programme and its medium-term development strategy.

26. Mr. RIEDEL remarked that the United Nations and its specialized agencies had an obligation under article 22 of the Covenant to contribute to the implementation of the instrument. He hoped in that connection that the IMF would continue to cooperate with the Committee.

27. Mr. SCHURMANN-ZEGGEL (Amnesty International) said that a delegation from Amnesty International had visited Solomon Islands in September, an internal report on the visit had already been written and would be followed by an official report. The delegation had urged the authorities of Solomon Islands to take into account the concluding observations adopted by the Committee on 14 May 1999. It had also given them a copy of those observations, of which not all the relevant organs had heard. The representatives of the Government of Solomon Islands had shown good will and their interest in cooperating with international bodies.

28. The adverse effects of the economic crisis and social unrest referred to in the concluding observations were still very visible. There was high unemployment and the land question continued to be a source of trouble. One of the worst problems was that of population displacement from Guadalcanal. There were food shortages in Malaita province. Few of the displaced families had access to drinking water or sanitary facilities and most of their children were unable to attend school. Skilled workers were leaving some urban centres. The phenomenon of population displacement seemed likely to continue.

29. The Government was taking steps to try to deal with the new situation and, in particular, to improve access to basic health and education services for the population of Malaita. The authorities of Solomon Islands were favourably disposed towards cooperation with international bodies and the Office of the High Commissioner for Human Rights should be among those present in the country. Lasting peace would be impossible without a resolution of the current economic and social problems.

30. Ms. PANDIT (International Commission of Jurists) said that, in the same way as it was at the disposal of any State having difficulty in meeting the requirements on an international treaty, her organization was willing to help the Government of Solomon Islands fulfil its obligations under the Covenant.

31. Mr. ANTANOVICH said that Solomon Islands had unfortunately not been spared any of the problems that afflicted newly independent States. The geography of the archipelago was no help either to administration of the country or to reform.

32. The concluding observations on Solomon Islands which the Committee had adopted on 14 May 1999 seemingly remained entirely relevant. The lack of access for women to decision-making bodies was unquestionably an obstacle to the improvement of economic and political life. Even if that state of affairs was attributable to historical and cultural factors, it needed to be changed. The Government should also seek ways of ending the continuing unrest and conflicts in the country, for that could not be done from outside. International financial institutions and non-governmental organizations were already providing substantial financial aid and the Government should use it to the best advantage. A national summit on implementation of the Covenant might be the starting point for better cooperation between the authorities of Solomon Islands and international organizations.

33 Mr. HUNT supported the idea of a national summit: such a meeting might lead to the adoption of a plan of action for dealing with the country's problems. Amnesty International's expansion of distribution of the Committee's concluding observations to the authorities of Solomon Islands was welcome. UNDP, too, had on several occasions drawn the Government's attention to the Committee's work.

34 As a general question, he wondered how far and when States' international obligations, and in particular those deriving from the Covenant, were taken into account in negotiations between States and the Bretton Woods institutions on macroeconomic policy.

35 Mr. TAPLIN (International Monetary Fund) said that, as IMF was not a signatory to the Covenant, article 22 was not, in his view, binding on it. IMF did not specifically take States' obligations under the Covenant into consideration when negotiating or consulting with them. That statement could not, however, be properly interpreted without an understanding of exactly what was meant by "taking into consideration" and a closer look at the relationship between IMF action and States' exercise of their sovereign rights. At all events, it could legitimately be asked how a State's ratification of the Covenant affected its economic policy.

36 Mr. RIEDEL took note of the position of IMF, but pointed out that IMF did not operate in a vacuum. Its policy interacted with that of many other actors; furthermore, IMF was, as he understood it, steadily moving towards taking into consideration factors other than purely technical or financial ones. It might be thought that it would also be in the Fund's long-term interest to take account, when negotiating loans, of States' legal obligations. As the Committee's role was to highlight such obligations in the economic, social and cultural spheres, it would no doubt be useful for there to be a deeper, formal dialogue between the Committee and IMF at some time.

37 Mr. TAPLIN (International Monetary Fund) stressed that the position of IMF was an expression of the consensus of the Fund's 182 member States. IMF maintained close cooperation with bodies such as the World Trade Organization on the understanding that each body had its own field of work and that there could be no question of encroaching on each other's territory. It was not the Fund's function to ensure respect for economic, social or cultural rights, but it could certainly pay attention to States' situation in that regard.

38 Mr. HUNT said he felt that it was for States to draw attention to their obligations under the Covenant when they negotiated plans or measures with IMF. He hoped the Committee would strengthen its links with the Bretton Woods institutions, UNDP and specialized agencies such as FAO so that they and it could better determine how to help the least developed countries. He would be grateful if the representative of FAO would say more about the kind of assistance which that organization afforded to such countries.

39 Mr. MASUKU (United Nations Food and Agriculture Organization) explained that FAO drew up and applied technical assistance programmes with least developed countries on the basis of in-depth studies of food- and agriculture-related areas, for example food security, job-creating investment, the agri-food industry, land tenure, nutrition, fishing, or any other matter that a State might wish.

40 Mr RIEDEL, referring to the leaflet on the Integrated Framework for Trade-Related Assistance, noted with interest that States were expected to assess their own needs and that a list of criteria had been provided for that purpose. As it was only a small step from needs assessment to rights assessment, he wondered whether the organizations involved in the Integrated Framework might not in the future encourage member States to employ for assessing rights implementation a similar method to that used for needs assessment. Perhaps those organizations could also share with the Committee, for example by providing it with lists of indicators, their experience of assessment. Caution would, of course, be required because needs and rights were not the same thing.

41 Mr MATHUR (World Trade Organization) pointed out that the approach taken in the case of the Integrated Framework was a specific one entailing assessment of the needs of the least developed countries and oriented towards trade-related assistance. He could not give any opinion as to the possible modalities of an overall assessment of needs or rights. States themselves might be able to extend to other areas the method of assessment used regarding trade.

42 Mr TAPLIN (International Monetary Fund) emphasized that the approach underlying the Integrated Framework, which had been approved by the October 1997 High-Level Meeting on Integrated Initiatives for Least Developed Countries' Trade Development, was innovative in that it represented a joint effort by six international organizations to harmonize their assistance to least-developed countries and make it more effective. As such, it understandably constituted a constant challenge and was the subject of frequent meetings between representatives of the organizations concerned.

43 The CHAIRPERSON thanked Mr. Pororara for having come specially from Solomon Islands and New Zealand for having made his participation in the meeting possible. She also thanked the representatives of IMF and the other specialized agencies and bodies for their presence, which had contributed significantly to a fruitful dialogue, and Amnesty International and COHRE for having provided much of the information which the Committee had studied. Paying tribute to the work done by Mr. Hunt, she observed that the examination of the situation in Solomon Islands had only just begun and said that the Committee looked forward to receiving the initial report from Solomon Islands in the near future.

44 Mr. PORORARA (Solomon Islands) thanked all the participants in the meeting, with whom a very constructive dialogue had been established. He welcomed the fact that UNDP had agreed to help the Government of Solomon Islands to carry out a study for the elaboration of a medium-term development plan for displaced persons in Malaita province.

The public part of the meeting rose at 5.15 p.m.